

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

ARTEMIO PEREZ NEGRON
Debtor

ARTEMIO PEREZ NEGRON
Plaintiff

VS.

BANCO POPULAR DE PR
Defendant

09-01452 SEK
Ch. 13

ADV. NO. 09-00194 SEK

**PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT
RELATED TO NEWLY DISCOVERED EVIDENCE**

TO THE HONORABLE COURT:

COMES NOW Artemio Pérez Negrón, the above named Debtor and Plaintiff herein, by and through his attorney of record, and respectfully represents:

1. Plaintiff filed this adversary case on September 4, 2009 against Banco Popular de Puerto Rico, to claim damages arising from the willful violation of the automatic stay by defendant creditor pursuant to 11 USC §362(a)(3)&(6); §362(k).
2. It is an uncontested fact that Defendant BPPR is the holder of two unsecured claims against the estate for which two proofs of claim were filed in Plaintiff's bankruptcy case 09-01452 before this Court, docketed as Claims #1 and #2 respectively.
3. Initially, the Adversary Proceeding dealt with the post petition deductions made by BPPR from debtor's bank account for payment of the pre petition claims held against debtor by BPPR, identified as account ending in #0002.
4. On August 6th, 2010 co-defendant BPPR produced the documents requested pursuant a subpoena served upon BPPR.

5. On August 11th, 2010 the undersigned met with the legal representative from BPPR, sister counsel Veronica Durand in our offices to prepare the pre trial report. In the course of the meeting while reviewing the documents produced by BPPR pursuant to the subpoena, we became aware that on March 4th, 2009 BPPR had made yet another deduction from debtor's bank account for payment of the second pre petition claim by BPPR identified as account ending in #0102.

6. Despite the fact that this matter was discussed with counsel for BPPR, as of today the full amount of this other deduction has not been refunded to debtor, even when a full year and a half has already elapsed since the deduction from debtor's bank account was made, all this in further violation of the stay.

7. Plaintiff hereby moves the Court for leave to file an amended Complaint to include pleadings consistent with this newly discovered violation of the stay in the interest of judicial economy. Otherwise, Plaintiff will be left with no option but to file yet another adversary proceeding related to this other violation.

6. Plaintiff therefore submits that the complaint must be amended to include pleadings consistent with this newly discovered violation of the stay, all for the sake of judicial economy.

WHEREFORE: It is respectfully requested that the Court may grant leave for Plaintiff to amend the Complaint to include pleadings consistent with this newly discovered violation of the stay.

CERTIFICATE OF SERVICE. The undersigned hereby certifies that this document was filed electronically on this same date using the CM/ECF system which will send notice of such filing to ECF participants: Verónica Durán Castillo, Esq., vduran@bppr.com.

RESPECTFULLY SUBMITTED.

DATED: 9/10/2010



s. Marilyn Valdes Ortega
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